

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:15-CR-00014-BO-1

United States of America

v.

Anthony Rogers,

Defendant.

ORDER

On April 16, 2015, the court ordered Rogers committed to the custody of the Attorney General to undergo a psychiatric examination pursuant to 18 U.S.C. § 4241. A forensic psychologist with the Federal Bureau of Prisons submitted a forensic report detailing the results of Rogers's examination on July 22, 2015. The court conducted a hearing on August 3, 2015 at which Rogers was present and represented by counsel. For the reasons that follow, the court finds that Rogers is competent to proceed.

The test for determining a defendant's competency is "whether he has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding—and whether he has a rational as well as factual understanding of the proceedings against him." *Dusky v. United States*, 362 U.S. 402 (1960). The forensic report drafted by Dr. David Szyhowski states that, at the present time, Rogers demonstrates an appropriate level of factual and rational understanding of the legal proceedings against him, as well as a basic ability to participate in his own defense by working with his attorney. For. Eval. at 10, D.E. 16. Defendant presented no evidence at the hearing which would call into question the conclusions of the forensic report.

Accordingly, the Court finds by a preponderance of the evidence that the Defendant is able, with representation by his attorney, to understand the nature and consequences of the proceeding against him and to assist properly in his defense. Therefore, it is ordered that that the stay in this matter which was entered on April 16, 2015, is lifted and this matter shall proceed as ordered by the district court judge.

Dated: August 4, 2015

A handwritten signature in black ink, reading "Robert T. Numbers, II". The signature is written in a cursive, flowing style. The first name "Robert" is written in a larger, more prominent script, followed by "T." and "Numbers, II". The signature is positioned above a horizontal line.

Robert T. Numbers, II
United States Magistrate Judge